

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

-against-

STEPHEN L. JOHNSON, *et al.*,

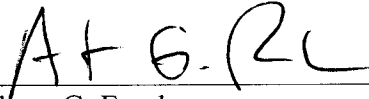
Defendants.

Case No. 1:07-cv-10632-BSJ

**NOTICE OF MOTION
TO ADMIT COUNSEL
JAMES R. POTTER
PRO HAC VICE**

PLEASE TAKE NOTICE that, upon the annexed declaration of movant, Andrew G. Frank, Assistant Attorney General in the Environmental Protection Bureau of the office of Andrew M. Cuomo, Attorney General of the State of New York, in support of this motion, and upon the declaration of James R. Potter, as applicant for admission *pro hac vice*, and upon the certification of good standing of the State Bar of California, the undersigned will move this Court before the Honorable Barbara S. Jones, United States District Judge, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, NY, 10007, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission of said James R. Potter, Deputy Attorney General of the State of California and a member in good standing of the Bar of the State of California, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel. Movant Andrew G. Frank will act as local counsel for the applicant.

Dated: New York, New York
December 6, 2007

A handwritten signature in black ink, appearing to read "A+G. (RL)", written over a horizontal line.

Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	Case No. 1:07-cv-10632-BSJ
-against-	:	
	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

**DECLARATION OF ANDREW G. FRANK IN SUPPORT OF MOTION TO
ADMIT JAMES R. POTTER AS COUNSEL *PRO HAC VICE***

Andrew G. Frank, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the United States District Court for the Southern District of New York. I was so admitted on February 1, 2000.
2. I am currently employed as an Assistant Attorney General of the Environmental Protection Bureau of the Office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for plaintiff State of New York in this action.
3. I make this declaration in support of the motion to admit James R. Potter, an attorney admitted to practice in the State of California, as counsel *pro hac vice* for plaintiff State of California in this action.
4. As set forth in the annexed declaration of James R. Potter and the exhibit thereto:
 - (i) James R. Potter is a member in good standing of the Bar of the State of California.

(ii) There are no pending disciplinary proceedings against James R. Potter in any State or Federal Court.

5. I agree to act as local counsel to the applicant for admission *pro hac vice* during the pendency of this action. My address is: Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271. My telephone number is (212) 416-8271 and my fax number is (212) 416-6007. My e-mail address is andrew.frank@oag.state.ny.us.

6. The required fee of \$25.00 accompanies this motion in accordance with the Local Rules of this Court.

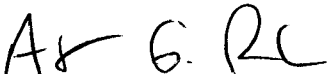
7. A proposed Order granting this motion is annexed hereto.

8. No previous application has been made for the relief sought in this motion.

WHEREFORE I respectfully request that James R. Potter be admitted as counsel *pro hac vice* for plaintiff State of California in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
December 6, 2007

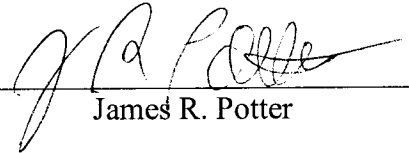


Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

5. Pursuant to the accompanying motion, I hereby request permission to appear as counsel *pro hac vice* for the State of California in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is and shall remain local counsel in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 4, 2007


James R. Potter



THE
STATE BAR
OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1639
TELEPHONE (415) 538-2000

November 7, 2007

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, JAMES R. POTTER, #166992 was admitted to the practice of law in this state by the Supreme Court of California on December 15, 1993; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert
Custodian of Membership Records

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 1:07-cv-10632-BSJ
	:	
-against-	:	
	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

**ORDER GRANTING MOTION TO
ADMIT JAMES R. POTTER AS COUNSEL *PRO HAC VICE***

UPON the motion of Andrew G. Frank made pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York to admit James R. Potter, an attorney admitted to practice in the State of California, as counsel *pro hac vice* for plaintiff State of California in this action, and the Court having considered said motion, it is hereby

ORDERED that the motion is granted and that James R. Potter is hereby admitted as counsel *pro hac vice* for plaintiff State of California in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is designated as local counsel.

Dated: New York, New York
this ____ day of _____, 2007.

THE HONORABLE BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 1:07-cv-10632-BSJ
	:	
-against-	:	CERTIFICATE OF SERVICE
	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X		

I hereby certify that I caused to be served a copy of the Motion to Admit Counsel James R. Potter *Pro Hac Vice* in this action, along with the two accompanying declarations and the proposed order granting the motion, by United States First Class Mail this 6th day of December, 2007 on the following attorneys:

Counsel for Defendants

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WILLIAM H. SORRELL
ATTORNEY GENERAL OF THE STATE
OF VERMONT

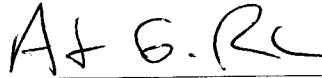
Kevin O. Leske

Assistant Attorney General

Vermont Office of Attorney General

109 State Street

Montpelier, Vermont 05609-1001

A handwritten signature in black ink, appearing to read "A. G. Frank", written over a horizontal line.

Andrew G. Frank